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PATENT

ATTORNEY DOCKET NO. PRE078-210304

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Peter P. GALE and Michael T. DELICH

Application No.: 10,620,530

Filing Date: July 16, 2003

For: **PORTABLE, CRYOGENIC GAS DELIVERY APPARATUS**

Art Unit: 3751

Examiner: Peter T. Devore

MAIL STOP Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**FIRST CLASS MAIL CERTIFICATE**

I hereby certify that this paper or fee is being deposited with the United States Postal Service with sufficient postage as First Class Mail under 37 CFR § 1.8 on the date indicated below and is addressed to MAIL STOP Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*Laura C. Forrest*  
Laura C. Forrest

October 13, 2004  
Date

RESPONSE A TO FIRST OFFICE ACTION WITH AMENDMENT

Dear Sir:

This is a Response to the first Office Action mailed on June 17, 2004. This Response is being filed within the first extension period for response and Applicant requests a one-month extension and submits a check therefor. It is respectfully submitted that no other fees are believed due or payable. However, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 23-2820.

Applicant requests reconsideration of the above-referenced application in view of the

Amendment and Remarks below.

10/15/2004 JBALINAN 00000097 10620530

01 FC:2201 176.00 OP  
02 FC:2202 90.00 OP

10/15/2004 JBALINAN 00000097 10620530

03 FC:2251 55.00 OP

**AMENDMENT**

Please amend the application, without prejudice as follows:



Docket No. PRE078-210304

PATENT  
Application No. 10/620,530

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Peter P. Gale and Michael R. Delich Application No.: 10/620,530 Filed: July 16, 2003  FOR: <b>PORTABLE, CRYOGENIC GAS DELIVERY APPARATUS</b>	Confirmation No.: Group Art Unit: 3751 Examiner: Peter T. Devore
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MS Non-Fee     MS AF  
 MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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United States Postal Service with sufficient postage as First Class  
Mail under 37 C.F.R. § 1.8 and is addressed to the Commissioner for  
Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*Laura C. Forrest*  
Laura C. Forrest  
Date: October 13, 2004

Sir:

**REPLY TRANSMITTAL LETTER**

A Preliminary Amendment  
 Responsive to the Office Action Dated June 17, 2004.  
 Supplemental to the Paper filed  
 A Substitute Specification (pages 1 - ) in clean form.  
     A substitute specification (pages 1 - ) with markings.  
 An Abstract is enclosed.  
 2 replacement sheets of drawings are enclosed comprising figures 4 and 5.  
 Request is hereby made to accept black and white photograph(s) in this case, as they are the only practicable medium for illustrating the claimed invention. One (1) set of black and white photographs comprising figure(s) is submitted herewith.

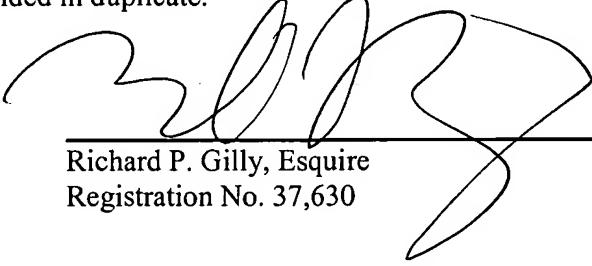
- Petition is hereby made to accept drawing(s)/photograph(s) in this case.
  - Three (3) sets of color drawing(s)/photograph(s) and black and white photocopy that accurately depicts to the extent possible, the subject matter shown in the color drawing(s)/photograph(s), are enclosed, comprising figures
  - An amendment to the first paragraph in that portion of the Brief Description of the Drawings is also enclosed herewith advising that the patent contains at least one drawing/photograph color.
- A Certified Copy of each of the following applications: \_\_\_\_\_ is enclosed.
- An Associate Power of Attorney is enclosed.
- Information Disclosure Statement.
  - Attached Form 1449.
  - A copy of each reference as listed on the attached Form PTO-1449 is enclosed herewith.
- A Terminal Disclaimer is attached.
- Appendices as follows:
- Other
- No Additional Fee is Due.
- Applicant(s) has previously claimed small entity status under 37 CFR § 1.27.
- Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR § 1.27 as \_\_\_\_\_.
- This application is no longer entitled to small entity status. It is requested that this be noted in the files of the U.S. Patent and Trademark Office.

				SMALL ENTITY	NOT SMALL ENTITY		
	REMAINING AFTER AMENDMENT	HIGHEST PAID FOR	EXTRA	RATE	Fee	RATE	Fee
TOTAL CLAIMS	49	(20 MINIMUM) 39	10	\$9 EACH	\$90.00	\$18 EACH	\$0.00
INDEP. CLAIMS	10	(3 MINIMUM) 6	4	\$44 EACH	\$176.00	\$88 EACH	\$0.00
FIRST PRESENTATION OF MULTIPLE DEPENDENT			\$150	\$0.00	\$300	\$0.00	
<input checked="" type="checkbox"/> ONE MONTH EXTENSION OF TIME			\$55	\$55.00	\$110	\$0.00	
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME			\$215	\$0.00	\$430	\$0.00	
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME			\$490	\$0.00	\$980	\$0.00	
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME			\$765	\$0.00	\$1530	\$0.00	
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME			\$1040	\$0.00	\$2080	\$0.00	
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID			minus	(\$0.00)	minus	\$0.00	
<input type="checkbox"/> TERMINAL DISCLAIMER			\$55	\$0.00	\$110	\$0.00	
<input type="checkbox"/> OTHER FEE OR SURCHARGE AS FOLLOWS:				0.00		\$0.00	
	TOTAL FEE DUE				\$321.00		0.00

- A check in the amount of \$321.00 is attached. Please charge any deficiency or credit any overpayment to Deposit Account 23-2820. This sheet is attached in duplicate.
- Please charge Deposit Account No. 23-2820 in the amount of \$ \_\_\_\_\_. This sheet is attached in duplicate.
- Petition is hereby made under 37 CFR §1.136(a) (fees: 37 CFR § 1.17(a)(1)-(4)) to extend the time for response to the Office Action of June 17, 2004 to and through October 17, 2004, comprising a one-month extension of time.

The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit Account 23-2820. This sheet is provided in duplicate.

Date: October 13, 2004

  
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Registration No. 37,630

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